K 1951

File No. Irrigation II/51 (N).

Legal Department

B **BRANCH**

Subject:— Notifications under the Bombay Irrigation Act 1879.

P=12
E

File No. Irrigation II/51 (N).

Gen. 194 e.

196-B

Office of the R.L.A.

The draft notification at page 7 ante as slightly amended is in order

Id/- J.R.D.
dt/- 14/5/

Remembrancer of Legal Affairs.

U.R. to P.W.D. No. 7697 , dated the 16th May 1951.

V.V.K. 7/7/56/

SC.

Public Works Department
Bombay Castle (Bombay No. 1),
May 1951.

NOTIFICATION.

Bombay Irrigation Act, 1879.

No. 4411/36 : In exercise of the powers conferred by clause (b) of section 4 of the Bombay Irrigation Act, 1879 (Bombay VII of 1879), the Government of Bombay is pleased to invest the Excutive Engineer, Gangapur Storage Division and the Sub. Divisional Officers of 'C' and 'F' Sub Divisions in that Division with all the powers and duties of a Canal Officer under Sections 6 of the said Act in respect of the irrigation works in the Gangapur Storage Division.

By Order of the Governor of Bombay

Secretary to Government.

V.V.K. 7/7/56/
5C.

NOTIFICATION.

Public Works Department,

Bombay Castle 1951.

Bombay Irrigation Act, 1879.

Whereas it appeats expedient to the Government of Bombay that the water of Gangasagar tank and its existing canals and of the nalas which start from the Surela Hills and fall into the Banas River to the west of Umerkot village of Palanpur taluka in the District of Banaskantha and which are specified in the Schedule hereto annexed should be applied and used by Government for the purpose of the Fateh Canal,

Now, therefore, in exercise of the powers conferred by section 5 of the Bombay Irrigation Act, 1879 (Bom. VII of 1879), the Government of Bombay is pleased to declare that the said water will be so applied and used after the * day of * 1951.

*The day should be three months after the date of the publication of the Notification.

SCHEDULE.

(Here insert A-A at p. 25/C).

By order of the Governor of Bombay,

Secretary to Government.

V.V.K. 7/7/56/

5C.

Office of the R.L.A.

In the Public Works Department draft at p-25 of the correspondence section it is stated that the water of the Gangasagar tank etc. is required to be used for the purpose of irrigation land in the Palanpur Taluka of the Banaskantha District. This notification purports to issued under section 5 of the Bombay Irrigation Act, 1879 .A declaration under that section can be made only if the water is required to be used for the purpose of an existing o r projected canal . It appears from the report of the Collector, Banaskantha at p. 3/c and the report of the Commissioner N.D. at p.7/c that the water of the above tank etc. is required to be used for the purpose of the Fateh Canal P.W.D. is requested to state whether the notification is to be issued for the said purpose. It should also be made clear whether the water of the Gangasagar tank is to be applied for any other projected cannal, may be specified. If so the name of the projected canal

Id/-

For Remembrancer of Legal Affairs

U.R. to P.W.D. No 10445 , dated the 2nd July 1951.

V.V.K. 7/7/56/ 5C.

Office of the R.L.A.

It is propcsed to declare those parts of the rivers specified in the Schedule to Government Notification, Agriculture and Forests Department No. 1933-F, dated the 20th January 1951 from which water is intended to be lifted as Second Class Irrigation Works . The requisite draft nctification is accordingly sent herewith .

2. On the issue of the notification under section 63, it will be necessary to cancel the notification of the 20th January 1951 at page 223 ante and to issue a fresh noticication for the ptrpose of empowering the Canal Officers to exercise the powers and duties under the relevant sections of the Act.

Id/-J.R.D.
dt/- 26/10/

Remembrancer of Legal Affairs .

U.R. to A. & F.D. No. 17127 , dated 27th October 1951.

NOTIFICATION.

Agriculture and Forests Department,
Bombay Castle , October 1951.

Bombay Irrigation Act, 1879.

No. .- The following draft of a notification which it is proposed to issue under sub-section (3) of section 73 of the Bombay Irrigation Act, 1879 (Bom- VII of 1879), is published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby, and notice is gereby given that the said draft will be taken into consideration by the Government of Bombay on the expiry of a period of 4 months from the date of its publicatio-n in the Bombay Government Gazette-

2. Any objections or suggestios which may be received by the Secretary to the Government of Bombay in the Agriculture and Forests Department from any person with respect to the said draft before the expiry of the aforesaid period will be considered by Government-

DRAFT NOTIFICATION.

In exercise of the powers conferred by sub-section (3) of section 73 of the Bombay Irrigation Act, 1879 (Bom. VII of 1879) , the Government of Bombay is pleased to declare the parts of the rivers specified in the Schedule appedned hereto to to be Second -class Irrigation Works.

SCHEDULE.

By order of the Governor of
Bombay,

Secretary to Government.

V.V.K. 9/7/56/
50.

Office of the R.L.A.

Please see the linked case. It will not be possible for any Canal Officer to prosecute any person for any offence in respect of Lift Irrigation Works in question on the strength of G, N. No. 1033-F, dated 29th January 1951.

Id/- J.R.D.
dt/- 26/10/

Remembrancer of Legal Affairs.

U.R. to A. & F.D. No. 17128 , dated the 27th October 1951.

V.V.K. 9/7/56/

5C.

Legal Department.

The draft notification at pages 1 to 3 ante is not in order. Section 5 of the Bombay Irrigation Act provides that whenever it appears expedient to the State Government that the water of any river or any lake or any other natural collection of still water should be applied or used by the State Government for the purpose of any existing or porjected canal , the State Government may declare that the said water shall be so applied or used . It will thus be clear that the notification is to be issued only when the circumstances specified in the section are present. In the letter at page 9 ante the Superintending Engineer, Gujerat Irrigation Circle, reports that certain irrigation tanks were taken over by the Gujerat Irrigation Circle after the merget of the Baroda State. That these irrigation tanks have regular irrigation system and the Ex-Baroda State had Sanctione water rates for all of them. The Superintending Engineer, now points out that to facilitate irrigation management and to bring diaputes and irregularities regarding water distribution within the orbit of the Bombay Irrigation Act, it is proposed to notify the said tanks under section 5 of the Act. As the purpose specified in section 5 of the Act does not exist no notification as proposed by the Superintending Engineer is legally feasible in this case.

2. In place of the Public Works Departments draft

V.V.K. 9/8/56/

5C.

nofification at pages 5 to 7 ante a revised draft notification is sent herewith . The date which is to be entered in the notification should be a date not earlier than three months from the date of the publication of the notification.

From the letter of the Superintending Engineer, at page 11 ante it appeats that the Wadhwana Tank is fed by Jojwa Canal which in turn gets water from a pick-up weir at Jojwa village accross the Orsang River. (Please see also the map at the beginning). In the Public Works Department draft the words used are "the Wadhwana Irrigation system ". The appropriate expression would be "the "Wadhwana Tank with the system thereunder" as used by the Superintending distribution Engineer at page 11 ante.

Id/-

For the Deputy Secretary to Government.

U.R. to P.W.D. No. 17698 , dated the 8th November 1951.

V.V.K. 9/7/56/

5C.